

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
PARTIAL DENIAL

REPORT OF EXAMINATION

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

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Surface Water

(Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

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Ground Water

(Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE March 10, 1994	APPLICATION NUMBER G3-29631	PERMIT NUMBER	CERTIFICATE NUMBER
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NAME  
THOMAS HAGEN and MICHAEL HANOVER

ADDRESS (STREET) P.O. Box 44699	(CITY) Kawaihae	(STATE) Hawaii	(ZIP CODE) 96743
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PUBLIC WATERS TO BE APPROPRIATED

SOURCE  
Two (2) Wells

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE 26	MAXIMUM ACRE-FEET PER YEAR 73 (Totally supplemental)
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QUANTITY, TYPE OF USE, PERIOD OF USE

26 gallons per minute (primary), 73 acre feet per year (supplemental), continuously, for group domestic supply for mobile home park.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

- 500 feet south & 220 feet east from the W  $\frac{1}{4}$  corner of Section 11
- 500 feet south & 230 feet east from the W  $\frac{1}{4}$  corner of Section 11

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) BOTH WITHIN NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	SECTION 11	TOWNSHIP N. 29	RANGE, (E. OR W.) W.M. 43 E.	W.R.I.A. 55	COUNTY Spokane
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RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

A tract of land in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Sec. 11, T. 29 N., R. 43 E.W.M., Spokane, Washington further described as follows:

Beginning at the Northeast corner of said NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ; thence S 00°39'33" E along the East line of said NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  a distance of 888.31 feet; thence N 89°45'09" W a distance of 1266.72 feet to the intersection with the Easterly right of way of U.S. Highway No. 2; thence N 00°45'40" W along said right of way a distance of 882.01 feet to the intersection with the North line of said NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ; thence N 89°57'43" E a distance of 1268.20 feet to the point of beginning. Contains 25.75 acres, more or less.



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**DESCRIPTION OF PROPOSED WORKS**

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Two wells & pressure distribution system.

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**DEVELOPMENT SCHEDULE**

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BEGIN PROJECT BY THIS DATE:

COMPLETE PROJECT BY THIS DATE:

WATER PUT TO FULL USE BY THIS DATE:

Started

May 1, 1998

May 1, 1999

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**REPORT**

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### BACKGROUND

An application to appropriate public ground water was submitted by Thomas Hagen and Michael Hanover to the Department of Ecology on March 10, 1994. The application was accepted and assigned Ground Water Application No. G3-29631. The applicants propose to withdraw groundwater from 2 wells in the amount of 100 gallons per minute for continuous group domestic supply for mobile home park, commercial use, recreational camp sites and recreational vehicle park for a total of 113 units. The proposed points of withdrawal are 2 existing wells located within the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Sec. 11, T. 29 N., R. 43 E.W.M. in Spokane County, Washington.

A notice of application was duly published in accordance with RCW 90.03.280; no protests or objections were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW. A permit issued under this application is exempt under the Family Farm Water Act of 1977, Chapter 90.66 RCW.

### INVESTIGATION

A field investigation for this project was conducted on February 24, 1993, by Jim Lyerla and on August 11, 1994, by Cindy Christian. These initial examinations were conducted in relation to an existing permit, G3-29282P, and an application for change. An additional examination was not required for this request.

This project is located 1 mile east of Eloika Lake and State Highway 2, adjacent to Eloika Pines Mobile Home Park. The 25 acre parcel is presently leveled and undeveloped. The applicants propose to develop up to 113 mobile home and recreational vehicle and camp sites and a commercial use.

The applicants presently hold Ground Water Permit G3-29282P with a priority date of September 4, 1992. This permit previously authorized withdrawal from 1 well in the amount of 100 gallons per minute, 73 acre-feet per year, for continuous group domestic supply. On March 10, 1994, the applicants filed an application for change to add a second well for this same use. The second well was required by the Department of Social and Health Services as a standby water supply. The applicants were not advised of this standby requirement until after the original permit was issued. The application for change on G3-29282P was issued on September 29, 1994, adding the second well.

The original well was constructed to 110 feet in depth in October of 1993. The well penetrated the local sand and gravel formation with a static water level of 63 feet below land surface on the date of drilling. The second well applied for under this application was constructed in April of 1996. The total depth is 118 feet and materials penetrated are identical to the first well. The static water level was measured at 61 feet below land surface on the date of drilling. The well was air tested at 300 gallons per minute.

This application requests an additional 100 gallons per minute for a total of 200 gallons per minute under both rights. This application also requests the additional uses of commercial, recreational and R.V. park camp sites of 40 additional sites (totalling 113).

The issuance of a permit for this additional water will not result in more water being withdrawn annually but will allow the applicants to provide a standby source of ground water and pump a higher instantaneous quantity if needed. Health Department regulations require a minimum instantaneous rate of 126 gallons per minute to serve 73 units.

There has been no reported well interference problems within this area to this writer's knowledge.

### HYDRAULIC CONTINUITY WITH THE LITTLE SPOKANE RIVER BASIN



Ground water discharges contribute to the summer base flow of the Little Spokane River and are subject to Chapter 173-555 WAC Basin Management Program for the Little Spokane River.

As a part of every water right decision, the Department must answer four statutory (RCWs 90.03.290 and 90.44.060) questions: Is water available? Is the proposed use beneficial? Will the proposed use be detrimental to a senior water right? Will the proposed use be detrimental to the public welfare? This discussion focuses on the question of availability, and our review of data concerning water conditions in the basin. It also touches on potential detriment to senior water rights.

Water resource decisions for the Little Spokane River Basin also take place within the context of a specific management plan, developed as a regulation (Chapter 173-555 WAC) based on public input over 20 years ago. Following are excerpts from "Water Resources Management Program in the Little Spokane River Basin," August 1975, a report providing background and reference for the regulation. Even in 1975, water availability was of such concern that the major tributaries of the Little Spokane River were closed to further appropriation, and water rights issued were conditioned to specific "base" flows.

*The primary goal of the Little Spokane River Basin Water Resources Management Program (WAC 173-555) is "to protect and fully utilize" the basin surface and ground water resources "for the greatest benefit to the people of the State of Washington." Efficient management and enforcement of the water use policies are essential for accomplishment of this primary goal in harmony with the preservation of the natural aesthetic assets in this basin.*

*It is a fundamental policy of this state that "perennial rivers and streams be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic, and other environmental values, and navigational values." Further, lakes and ponds shall be retained substantially in their natural condition.*

*It is also a desire of the public that a base flow level be established and enforced so that the present aesthetic environment will not be impaired by future water use activities. In consonance with the fundamental policy of the state and public desire, base flows for the Little Spokane River and its tributaries are hereby established as an element of this management program.*

*No appropriation of surface water shall be made by the Department from the Little Spokane River and its tributaries below the base flow levels established through this policy. The base flow established at the Dartford gage for the period July 1 through September 15 for each year is 115 cfs.*

*Surface water and/or ground water appropriation permits that will allow direct diversion from or have measurable effect on, streams where base flows have been established, shall be subject to the base flow limitations, and any such permits or certificates shall be appropriately conditioned to assure maintenance of said base flows.*

*As a result of investigations on water availability, the following tributary streams (and their contributing drainages) to the Little Spokane River will be closed to further consumptive appropriation (except for domestic and normal stockwatering purposes) during the closure period specified (June 1 - October 31, each year): Dry Creek, Otter Creek, Bear Creek, Deer Creek, Dagoon Creek, Deep Creek, Deadman Creek, Little Creek, and the west branch of the Little Spokane River (from the outlet of Eloika Lake to its headwaters). [Water Resources Management Program, Little Spokane River Basin, August 1975].*

The attached hydrograph shows how the summertime 7-day low flows have changed over time for the Little Spokane River at Dartford (U.S.G.S. gage 12431000). The linear regression of the flow data shows a decline of 44 cubic feet per second (cfs) for the period 1950 - 1995. The 115 cfs base flow established in Chapter 173-555 WAC has been added as a reference.

Surface water rights from the Little Spokane River and its tributaries (above the Dartford gage) issued since 1950 (when the period of record began) amount to approximately 42 cfs. The "Water Resources Management Program in the Little Spokane River Basin" report states that "it is practically impossible to distinguish inactive water rights from active ones because rights are granted in perpetuity". Data presented in that report indicates that for the Little Spokane River watershed, approximately 41% of the total paper rights issued are typically exercised (which would equate to an instantaneous rate of diversion of 17 cfs for the rights issued since 1950). This 17 cfs cannot account for the 44 cfs decline in summer base flow since the 1950s (see hydrograph).



The summer base flow of the Little Spokane River above Dartford is supplied by ground water discharging to the river system along its course. Available data shows that ground water withdrawals have had a significant impact on the river system and that continued withdrawals will adversely impact the summer flows and result in more frequent regulation of existing surface water right holders who are provisioned with the low-flow cutoff. These people would have to stop using water for all outdoor uses more frequently and/or earlier in the year. During July 1 through September 15, such regulation is triggered when flows at Dartford fall to 115 cfs, an increasingly frequent occurrence.

Examination of the hydrograph shows that since 1975, the summer base flow at Dartford has dropped below the established base flow (115 cfs) 13 times in 21 years. In the period 1947 through 1974 (27 years), years prior to the establishment of the base flow, the summer low flow only dropped below 115 cfs four times.

Base flows of the Little Spokane River have been impacted by both ground water and surface water withdrawals/diversions. These withdrawals/diversions have resulted in reduced base flows during the summer months to the extent that regulation of existing rights is required more frequently. RCW 90.44.630 establishes that new ground water appropriation must not be made that would impair existing surface water rights.

The Water Resources Act of 1971, Chapter 90.54.020 (3) (a) states:

"Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served".

The summer base flows of the Little Spokane River and its tributaries have been established under the Little Spokane Management Program and any further consumptive uses, other than in-house domestic supply when an alternate source is not available, will further reduce these critical low flows.

Based on availability as well as potential adverse impact to existing water right holders, continued issuance of new water rights for consumptive use, both ground and surface, within the Little Spokane River Basin is not in the public interest.

### CONCLUSIONS

Ground water in the Little Spokane River Drainage Basin discharging from the aquifer to the Little Spokane River and its tributaries is being depleted by existing ground water withdrawals. Continued issuance of ground water rights is not in the public interest and will further impact the summer base flows of the Little Spokane River which is subject to regulation under the Little Spokane River Basin Water Resources Management Program (WAC 173-555).

It is the conclusion of this examiner that: public ground water is available for appropriation for a beneficial use; that group domestic supply is a beneficial use; that the appropriation of such water in the amount of 26 gallons per minute for an additional instantaneous use and standby water supply is not considered to be a consumptive use beyond that presently authorized under existing rights, on an annual basis, and the issuance of a permit for a portion of this request will not impair existing rights or be detrimental to the public welfare.

This application for an additional 74 gallons per minute for commercial use, recreational and R.V. campsites up to 40 additional sites should be **DENIED**.

This application for additional instantaneous only in the amount of 26 gallons per minute should be approved, subject to the following provisions:

"This permit is totally supplemental to Ground Water Permit No. G3-29282P in acre-feet per year for 73 units for a mobile home park. Total withdrawal under Ground Water Permit No. G3-29282P and this right (G3-29631) will be limited to 126 gallons per minute, 73 acre feet per year. The acre foot allotment may be reduced at the proof of examination stage dependent upon the installed system and the actual quantity being used."

"At such time that the Department of Ecology determines that management of the subject waters is necessary and in the public interest, an approved measuring device shall be installed and maintained in accordance with RCW 90.03.360 or WAC 508-64-020 through WAC 508-64-040."

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by the department for appropriation of the waters in question does not convey a



right of access to, or other right to use, land which the applicants do not legally possess. Obtainment of such right is a private matter between applicants and owner of that land.

"The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used."

"This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise."

"A certificate of water right will not be issued until a final examination is made."

"Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations."

"Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An airline and gage may be installed in addition to the access port."

"All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells)."

"A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained."

"The installation of an access port, described in Ground Water Bulletin #1, shall be required prior to issuance of a final certificate of water right. In addition, an airline and pressure gage shall be installed and maintained in operating condition. The pressure gage shall be equipped with a standard tire valve and placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system."

"Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities."

Signed at Spokane, Washington  
this 14th day of May, 1996

Cindy A. Christian  
CINDY A. CHRISTIAN  
Water Resources Program  
Department of Ecology



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

May 15, 1996

Thomas Hagen and Michael Hanover  
Post Office Box 44699  
Kawaihae, Hawaii 96743

Dear Sirs:

RE: Ground Water Application No. G3-29631

Enclosed please find a copy of the Department of Ecology's Report of Examination. This report constitutes our determination and order regarding the above referenced application.

Your application has been approved and a permit will be issued in accordance with the enclosed Report of Examination upon payment of the statutory fee of \$20.00. Please remit your payment by check to the Department of Ecology within thirty (30) days from receipt of this letter.

Issuance of this Report of Examination is an appealable decision under Chapter 43.21B RCW. If you would like to appeal this order and determination, you must file your appeal with the Pollution Control Hearings Board, P. O. Box 40903, Olympia, WA 98504-0903 within thirty (30) days of your receipt of this letter and the attached Report of Examination. A copy of your appeal must also be sent to the Department of Ecology, Shorelands and Water Resources Program, c/o Linda Pilkey-Jarvis, P.O. Box 47600, Olympia, WA 98504-7600 within thirty (30) days of receipt of this letter and the attached Report of Examination.

Sincerely,

Bruce F. Howard  
Section Manager  
Shorelands and Water Resources Program

BFH:mjw  
Enclosure